

REMARKS/ARGUMENTS

This application has been carefully considered in light of the Final Office Action of May 26, 2009. The following is submitted.

Claims 1, 2, 4, 5 7, 10-12 remain in the application. Claims 1, 2, 10, 12 have been amended to more clearly claim the inventive aspects of the Applicant's claimed invention and to place them in proper format. Claims 3, 6, 8 and 9 were previously cancelled. Even in light of these amendments, no new matter is being added.

The Examiner is including an objection to claims 1, 10 and 12 for informalities. The claims have been amended to correct the spelling of "tempering". Removal of the objection is respectfully requested.

The Examiner is rejecting claims 1, 2, 4, 5 7, and 10-12 under 35 U.S.C. 112 second paragraph, as being indefinite. Claims 1, 10 and 12 have been amended to remove the ambiguity. The tempering operation is formed on both "the blade body and the bead or strip of make-up material". Based on this amendment to the claims which clarifies the tempering operation it is respectfully requested the rejection be removed.

The Examiner is rejecting claims 1, 2, 4, 7 and 10-12 under 35 U.S.C. 102(b) as being anticipated by Wallmann (US Patent

6,316,085). The Examiner states the Wallmann patent contains each of the steps of claims 1, 10 and 12.

Claim 1 has been amended to more clearly define the claimed invention, namely:

step 'a' has been amended to recite "at least three free edges" subjecting power to a laser beam (8) at the same time as projecting the make-up material ;

step 'c' has been amended to include more detail regarding the "instantaneous and intimating" bonding of the make-up material and the blade body;

step 'd' has been amended to clarify the tempering of both the blade body and the bead or strip;

step 'e' has been amended to recite the forming of "a sharp edge".

It is respectfully stated the Wallmann patent cannot anticipate the amended claims of the applicant's claimed invention, as Wallmann does not disclose the subject matter of the claimed invention. As seen from figures 1 and 6 of Wallmann, a mold is used to surround a portion of the cutting body. This use of a mold in the manufacturing process leaves at most only 2 free sides. The use of a mold in Wallmann is required to contain the cutting material which is directed onto the cutting body in a molten state.

Further the use of a mold is required as the bonding of the cutting material and cutting body takes considerable time to allow for gravity to distribute the cutting material particles 12 throughout the cutting material. This is unlike the applicant's claimed invention whereby the cutting body and bead or strip are bonded instantaneously in an intimate fashion. This intimate bonding occurs instantaneously due to the very intensive heat of the laser beam. The speed with which the bonding occurs additionally allows for much smaller particles to be used in the applicant's claimed invention.

When considering the hardening of the applicant's claimed invention in relation to Wallmann, one must consider of Wallmann, that the thermal treatment only takes place in the linking zone between the bead and the body as a by-product of the laser use. In the applicant's claimed invention the tempering of the blade body and bead or strip is an actual step of the method rather than a by-product of the process. In Wallmann, the thermal treatment is due to the laser heating, as well as the air cooling. This phenomenon also occurs in the applicant's claimed invention. Additionally, according to the applicant's invention, there is a subsequent controlled thermal treatment, comprising a hardening and tempering on both the blade body and the bead or strip, not **only** in the linking zone or "zone of interaction" of

Wallmann (col 5, lines 10-13).

The natural thermal treatment is considered as beneficial in Wallmann. On the other hand, in the applicant's claimed invention, this natural treatment is harmful, in particular for what concerns the structure of the tool. That is why it has to be followed by the controlled thermal treatment of hardening and tempering.

Wallmann discloses a rounded cutting edge, whereby the cutting action of Wallmann is achieved by the high speed rotational action of the tool which induces abrasion. Again, this is unlike the applicant's claimed invention, whereby a sharp cutting edge is formed and therefore does not require high speed action of the tool to preform the cutting action.

Since the Wallmann patent does not disclose all of the elements of independent claim 1 and those claims depending therefrom, it is respectfully requested that the rejection be removed.

The Examiner is rejecting claim 5 under 35 U.S.C. 103(a) as being obvious over Wallmann in view of Pacher (US Published Application 2003/0154841). The Examiner further states Wallmann contains all of the claimed elements of the applicant's claimed invention with the exception of the "joined strip or bead of make-up material and the blade body being further machined by

grinding, machining, or abrading."

It is respectfully stated that in light of the amendments to the claims and the arguments as outlined above Wallmann does not disclose the claimed invention, therefore the combination of Wallmann and Pacher would not yield the applicant's claimed invention. Therefore, removal of the rejection is requested.

The Examiner is rejecting claims 1, 2, 4, 7, and 10-12 under 35 U.S.C. 103(a) as obvious in view of Wallmann over Korb (US Published Application 2003/0019332). The Examiner states Wallmann contains all of the claimed elements with the exception of disclosing preforming a hardening and tempering operation on the blade body . It is respectfully stated that in light of the amendments to the claims and the arguments as outlined above Wallmann does not disclose the claimed invention, therefore the combination of Wallmann and Korb would not yield the applicant's claimed invention. Therefore, removal of the rejection is requested.

The Examiner is rejecting claim 5 under 35 U.S.C. 103(a) as being obvious over Wallmann in view of Korb and further in view of Pacher. It is respectfully stated that in light of the amendments to the claims and the arguments as outlined above Wallmann does not disclose the claimed invention, therefore the combination of Wallmann and Korb and Pacher would not yield the

applicant's claimed invention. If is respectfully requested the rejection be removed.

The Examiner is rejecting claims 1, 2, 4, 5,7, and 10-12 under 35 U.S.C. 103(a) as obvious over Wallmann in view of Pacher and/or Anderson et al. (US Reissued Patent RE26,676). It is respectfully stated that in light of the amendments to the claims and the arguments as outlined above Wallmann does not disclose the claimed invention, therefore the combination of Wallmann and Pacher and/or Anderson would not yield the applicant's claimed invention. If is respectfully requested the rejection be removed.

It is respectfully stated that in light of the amendments to the claims and the arguments as outlined above Wallmann does not disclose the claimed invention, therefore the use of Wallmann in combination with Pacher, Korb and Anderson would not yield the applicant's claimed invention. Therefore, removal of the rejections is requested.

An earnest effort has been made to place this application in condition for formal allowance, which action is requested.

Should the Examiner have any questions regarding the allowability of the claims, it is requested that an interview be granted with applicant's representative prior to taking any action that may be considered as final. Any fees necessitated by the filing of this

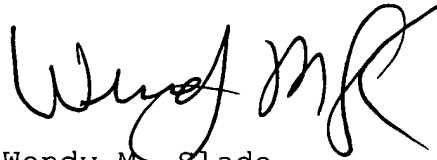
Appl. No. 10/589,900

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response may be charged to Deposit Account 04-1577.

Respectively Submitted;

Dowell & Dowell, P.C.

A handwritten signature in black ink, appearing to read 'Wendy M. Slade', written in a cursive style.

Wendy M. Slade

Dated: September 23, 2009

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